

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CARLOS CONCEPCION,

Plaintiff,

v.

COMPASS GROUP USA, INC.,

Defendant.

CIVIL ACTION NO. _____

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1446, defendant Compass Group USA, Inc. (“Compass” or “Defendant”) hereby notices the removal to this Court of the civil action styled as *Carlos Concepcion v. Compass Group USA, Inc.*, from the Superior Court for the Commonwealth of Massachusetts, Essex County, Civil Action No. ESCV 2012-1967C. In support thereof, Compass states the following:

1. On or about October 18, 2012, Plaintiff Carlos Concepcion (“Plaintiff”) commenced a civil action against Compass in the Massachusetts Superior Court, Essex County, entitled *Carlos Concepcion v. Compass Group USA, Inc.*, Civil Action No. ESCV 2012-1967C. A true and correct copy of Plaintiff’s Complaint (“Complaint”) along with the Civil Action Cover Sheet, the Service of Process Transmittal, and the Uniform Counsel Certification Form are attached as Exhibit A.

2. Plaintiff served process on Defendant on October 31, 2012. A true and accurate copy of the Summons and the Proof of Service of Process are attached as Exhibit B.

3. The documents attached as Exhibit A and Exhibit B constitute all process, pleadings, and orders served on Compass in this action.

4. In accordance with the requirements of 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty (30) days after Plaintiff served Compass with a copy of the initial

pleading setting forth the claims for relief upon which Plaintiff's action is based. *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354-55 (1999).

5. Plaintiff alleges in his Complaint that Compass violated the Family Medical Leave Act, 29 U.S.C. §§ 2601, 2611, 2611(4), 2612, and 2615. *See* Exhibit A (Complaint), ¶¶ 36-37. Accordingly, this Court has jurisdiction over this case pursuant to 28 U.S.C. § 1331 because it presents a federal question.

6. As a result, this case is properly removable to this Court under 28 U.S.C. § 1441.

7. Pursuant to 28 U.S.C. § 1446(d), Defendant will promptly file a Notice of Filing of Notice of Removal and a copy of this Notice with the Clerk of the Superior Court for Essex County, Commonwealth of Massachusetts, and will also serve a copy upon Plaintiff's attorney. A copy of the Notice of Filing of Notice of Removal is attached as Exhibit C.

8. WHEREFORE, Defendant Compass Group USA, Inc. removes the action now pending against it in the Superior Court for the Commonwealth of Massachusetts, Essex County, Civil Action No. ESCV 2012-1967C, to this Court.

Respectfully submitted,

COMPASS GROUP USA, INC.

By its Attorneys,

/s/ James M. Hlawek

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DATED: November 29, 2012

CERTIFICATE OF SERVICE

I, James M. Hlawek, Esq., hereby certify that on this 29th day of November, 2012, this **Notice of Removal** was filed through the CM/ECF and served by first class U.S. mail on counsel for Plaintiff, Simon Dixon, Esq., Dixon & Associates, 439 South Union Street, Suite 202, Lawrence, MA 01843.

/s/ James M. Hlawek

James M. Hlawek